

APPORTIONMENT IS TO BE GIVEN UP BY THE CONVENTION

Constitution Framers Vote to Allow Work to Be Done by Legislature.

QUIGG CHANGES HIS MIND ON THE SUBJECT

ALBANY, July 20.—The action of the Constitutional Convention committee on legislative organization to-day would indicate that there will be no legislative apportionment made by this convention, but that the work will be done by the Legislature next January.

First the committee voted 12 to 5 in favor of an apportionment to be made by the Constitutional Convention and then voted that the Legislature should apportion on the Federal census, so that there would be an apportionment every ten years either by the convention or the Legislature.

Chairman Edward T. Brackett of the committee was of the opinion that a legislative apportionment was a matter for the Constitutional Convention and Lemuel E. Quigg agreed with him, believing that there should be no apportionment by the Legislature between the meetings of the Constitutional Convention every twenty years.

When the committee voted, however, to permit the Legislature to reapportion each ten years between the holding of constitutional conventions Mr. Quigg changed his mind and succeeded in having the committee vote itself, by a vote of 12 to 6, to designate an apportionment by the convention. Mr. Quigg insisted that if the Legislature were to be permitted to apportion between conventions it should receive sole authority to make an apportionment.

Mr. Brackett was still insistent that the legislators had no more right to fix the boundaries of their districts than they had to fix salaries or terms of office or to determine the powers of office or which should be given to the Constitution. Senator Brackett suggested that a committee of one from each of the nine judicial districts should be elected about the time of each Federal census to make a non-partisan legislative apportionment.

The increase in the number of Assemblymen was of the opinion that they had no more right to fix the boundaries of their districts than they had to fix salaries or terms of office or to determine the powers of office or which should be given to the Constitution. Senator Brackett suggested that a committee of one from each of the nine judicial districts should be elected about the time of each Federal census to make a non-partisan legislative apportionment.

To Increase Apportionment.

Assemblyman Alfred E. Smith member of the committee, insisted that he could not favor any apportionment by the convention which retained county lines in apportioning the Assemblymen or which gave an up-state county of 14,000 voters an Assemblyman while a district in New York city with 60,000 voters. The committee then adopted a resolution by a vote of 9 to 5 in favor of increasing the number of Assemblymen, the number to be determined later, so that New York city could get a large number of Assemblymen, but which each up-state county received an Assemblyman.

"I can't support any apportionment framed by this convention, based upon principles which operate against New York city receiving a representation in the Legislature according to its vote," said Mr. Quigg. "The new constitution of New York city will administer a severe pruning to this new Constitution upon the idea that the city would be better off under the present Constitution."

The committee then adjourned, the members apparently at set and unable to predict what the outcome of its work on this question would be. Only last week the committee voted not to increase the number of Assemblymen.

Review of Service Board Decisions.

The courts are to have a broad review of both the facts and the law from decisions of the service boards in previous cases and the commissions are to have exclusive rate making power for all public service corporations if the convention approves the work of its committee on public utilities.

This committee voted 12 to 2 in favor of a bill introduced earlier in previous vote of 7 to 4 in favor of a review on questions of law only. Delegates William F. Sheehan, Morgan J. O'Brien and William N. Dykman argued before the committee for four hours last Wednesday night and the board voted to review.

These lawyers pointed out that in New York city a single public service Commissioner frequently sits alone in important cases and that a decision there would be the decision of one man upon the facts, as his decision is invariably accepted by the full committee.

It was determined also to give the commissions exclusive rate making jurisdiction and forbid the Legislature from passing any bill fixing the rate of fare on a railroad or the price to be charged for gas, electric light or electric power.

Senator Foley and ex-Senator Blawell of the utilities committee protested against depriving the Legislature of rate making power, but they stood alone in their opposition. The committee decided also that it was favorable continuing the present two public service commissions and protect the present members in office, despite the fact that four of the five members of each commission are Democrats. The fixing of their salaries will be left to the Legislature.

Committee to Draft Articles.

W. M. K. Olson, Hubert C. Mandel, of Elmira and Senator James J. Foley were appointed a sub-committee to draft the public service commission article.

After the sub-committee was appointed a motion was made that the Legislature be permitted to pass a rate bill after the Public Service Commission has had an opportunity to investigate the reasonableness of proposed changes in rates and to report its finding to the Legislature.

The committee on education dismissed a proposed amendment offered by Alfred E. Smith which would permit parental schools to share in public school money.

The committee on education dismissed the Jacob Goldfarb Schurman plan to permit the Legislature to pass general laws on education in each city and giving each board exclusive jurisdiction over money expended.

The committee will pass finally on this proposition on Thursday and it is expected that it will be reported favorably.

Although George W. Wickenshaw had appeared before the suffrage committee in favor of restoring the party nomination convention as against the direct primary, he announced to-day that the Senate bill, which provides for convention nominations, did not represent his views.

Charles L. O'Brien and Holden have been appointed a sub-committee to draft finally the home rule for cities article for submission to the full committee on cities on Thursday.

MARSHALL BILL TO DIE.

Protests on Cumulative Voting Needed by Lawmakers.

ALBANY, July 20.—Protests have been pouring in upon the Constitutional Convention Committee on Corporations from

BARNES DENIES A SNAKE LURKS IN LABOR MEASURE

Answers Charges of Unionists and Says Judge Dunmore's Proposal Is Not an Effort to Pave Way for Unreasonable Laws.

ALBANY, July 20.—William Barnes resents the suggestion of the representatives of labor who are in Albany keeping tabs on the proceedings of the Constitutional Convention that there is anything concealed in the Dunmore amendment which the Barnes committee on legislative powers reported favorably to the convention. This amendment, he said, was based on the ground that it is in the interest of the countries on the idea that the courts would declare unconstitutional the law regulating working hours in canneries and other laws in the interest of labor.

Lumber Grab Beaten.

Defective Amendment Failed to Provide for a Vote.

ALBANY, July 20.—Secretary of State Francis M. Hugo has called the attention of President Elihu Root of the Constitutional Convention to the fact that the lumbermen in the Adirondacks in their efforts to open the door of the lumber market to foreign competition on State land have overshot the mark and fallen down on a constitutional amendment they have passed through two legislatures.

"Inasmuch as many of the passenger lines on the great lakes have their boats at anchor on the regular routes, the bill will create a difficult situation for the sailors who would stand their watch in bed throughout the season.

"Another provision makes every day a payday on the great lakes, because of the provision that sailors shall be paid up each port. This, no doubt, as applied to the great lakes, would assure the sailors of their pay after a long sea voyage, but on the great lakes, where several ports are made each day, the sailors could demand every day, a payday, and tie the boat up if the master failed to pay them off."

The fact that there is no comparison between the conditions of a cruise from New York to Bombay and excursion runs on the great lakes in protected waters, such as the St. Lawrence, is overlooked entirely by the framers of the bill.

"The great lakes passenger lines have the following advantages as tending toward safety of travel: Short runs, close to land, shallow water.

"The great lakes lines have invariable stops in the interior, and the passenger lines conduct trips through Georgian Bay from Cleveland for \$39.25, with \$2.50 extra for side trips. Officials of American steamship companies say that their present low cost of operation and high efficiency are able to give the shipping and traveling public maximum service at minimum prices.

The Northern Navigation Company, a Canadian corporation, is already working into the passenger business on the American side and is advertising personally conducted trips through Georgian Bay from Cleveland for \$39.25, with \$2.50 extra for side trips. Officials of American steamship companies say that their present low cost of operation and high efficiency are able to give the shipping and traveling public maximum service at minimum prices.

The lumbermen obtained the passage through the Legislature of 1913 and again on the last day of the session this year a proposed constitutional amendment which if properly worded would have been submitted to the voters at the next November election. But

"The industrial law of the State, passed in 1913, provided that whenever the industrial commission makes a rule or regulation any citizen may appeal to the courts as to the reasonableness of the rule or regulation.

"The antagonism shown to Judge Dunmore's proposal simply places in the Constitution what is now the statutory law of the State and the interpretation by the Court of Appeals of the 'police power'.

"The antagonism shown to Judge Dunmore's proposal by accredited representatives of labor organizations would seem to indicate that they desire that

MEDIATORS END CLOTHING STRIKE

Agreement Reached After Conferences and 10,000 Will Return To-day.

The general strike of clothing workers against the American Clothing Manufacturers Association was settled last night at the Chamber of Commerce and an agreement reached affecting 60,000 clothing workers employed by the association.

John K. Keay, president of the New York State Bankers Association; Francis C. Bangs and William C. Brod of New York city, representing the association; Orpin H. Cheney of New York Ex-Superintendent of Banks; B. H. Fancher, vice-president of the Fifth Avenue Bank; and Frank Hammond, president of the Bankers Trust Company of New York City, John H. Gregory, president of the Central Bank of Rochester; G. Bradbury, president of the Wallkill Bank of Poughkeepsie; E. L. Milline, vice-president of the Mohawk National Bank of Schenectady and a number of Albany bankers, appeared today in opposition to the proposed amendment to the industrial agreement made by Mr. Bangs.

"There is no State regulation of directors in twenty-one States, among them being such progressive States as Oklahoma and Wisconsin," said Mr. Bangs.

"In seven States, including New York and March 1, such laws are flexible, as they make no specific regulations are to be encouraged to come here."

"In six States there are compulsory laws covering the election of directors. In fourteen States there are constitutional provisions covering the question, including Arizona, California, Idaho, Montana, Nevada, New Mexico and South Dakota, Virginia, South Carolina and Pennsylvania. Corporations do not go into these States unless they are domestic corporations just as hundreds of corporations would keep away from New York if you adopted this cumulative voting plan."

President Sidney Hillman of the Amalgamated Clothing Workers of America stated: "The strike against the American Clothing Manufacturers Association has been declared off," he said.

Dr. Henry Moskowitz of the committee of immediate adjustment said that the agreement effected was a triangular one, including manufacturers, contractors and workers, and would be made public to-day.

President Hillman said that action would be taken on an agreement for 16,000 children's jacket makers at the Breyrot Hotel today, and that 30,000 clothing workers of independent manufacturers Friday if that by time agreements factors would be called out on strike could not be reached with their employers.

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In my long experience I know of no

corporation management which would have been created by minority representation. Except in a few cases the minority stockholders differ neither in interest nor morals from the other stockholders, and I have yet to come across a case where there is not a majority of stockholders who care nothing for any evils which may befall the corporation.

"This proposal would be detrimental to the depositors of banks and to business interests. Lots of people are seeking places on boards of directors for themselves credit and financial reputation, to which they are not entitled and which they would be able to get through cumulative voting. They are people who have something to sell, which they can't sell on their own merits. Harmony is just as essential in a corporation as it is in a partnership, and many corporations are merely partnerships under corporate names."

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